SUPREME COURT, U. S.

FILED

OCT 30 1969

JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1968

No. 1042

JASPER C. GOULD and OPAL W. GOULD, his wife,
Petitioners,

vs.

AMERICAN WATER WORKS SERVICE CO., INC., a corporation, and THE BERNARDS WATER COMPANY, a New Jersey Corporation,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

2nd

MOTION FOR LEAVE TO FILE ~~OUT OF TIME AND~~ PETITION FOR REHEARING

JASPER C. GOULD,
Attorney Pro Se,
Box 636,
Bernardsville, New Jersey.

Adams Press Corp., 11 Commerce Street, Newark, N. J.—Market 3-8611-12

TABLE OF CONTENTS

	PAGE
MOTION FOR LEAVE TO FILE OUT OF TIME	1
PETITION FOR REHEARING	2
APPENDIX:	
A—Letter from Marin Simon, Esq. to Sidney P. McCord, Jr., Esq., dated October 8, 1964	5
B—Letter from Stryker, Tams & Dill, Esqs. to Jasper C. Gould, dated July 10, 1968	6
C—Letter from John H. Gildea to Jasper C. Gould, dated October 16, 1968	7
D—Letter from John H. Gildea to Jasper C. Gould, dated April 14, 1969	8
E—Letter from John H. Gildea to Herman A. Lingerman, Esq., dated November 22, 1968	9

IN THE

Supreme Court of the United States

OCTOBER TERM, 1968

No. 1042

JASPER C. GOULD and OPAL W. GOULD, his wife,

Petitioners,

vs.

AMERICAN WATER WORKS SERVICE CO., INC., a corporation, and THE BERNARDS WATER COMPANY, a New Jersey Corporation,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

MOTION FOR LEAVE TO FILE OUT OF TIME

Pursuant to new evidence discovered in this case petitioner requests this Court's permission to file out of Time.

PETITION FOR REHEARING

The conduct of the attorneys and the courts in this case indicate a breach of ethical conduct. The facts upon which I base this statement are as follows:

1. Mr. M. Simons quit this case after I refused to accept a settlement agreed upon by him and Mr. McCord, Jr. Appendix A.
2. The court granted unjust enrichment but limited my recovery to "out-of-pocket" expenses. The court refused to let the jury consider uncontested testimony of my professional witness. See Charge to the Jury.
3. Mr. B. Horner refused to object to the dismissal of charges by the court. Page 247, lines 1-8.
4. Mr. Horner failed to incorporate the New Jersey Division of Water Policy & Supply in this case by virtue of granting permanent diversionary rights to the water which I had discovered. JA246a-8 to 15.
5. My lawyer failed to mention to the court the mental anguish which I face daily from my living room window by looking over my $15,000.00 investment in labor and material and into the door of their $500,000.00 equity granted to them by the New Jersey Division of Water Policy & Supply and the New Jersey Supreme Court.
6. Mr. Horner failed to file a timely request for a rehearing before the New Jersey Supreme Court. Appendix B.
7. The New Jersey Supreme Court granted my new attorney's request to petition for a rehearing but denied the rehearing. Appendix C.

8. The opinion of the New Jersey Supreme Court reversed the sequence of the events and made a statement which contradicts testimony by the plaintiff and the defendant. The second paragraph of their opinion is incorrect.

9. Thirty-three pages of the transcript were deleted from the appendix which was presented to the New Jersey Supreme Court. Appendix D.

10. Transcript of the argument before the New Jersey Supreme Court was destroyed. Appendix E.

In conclusion, I ask why the New Jersey Supreme Court reversed a jury verdict without citing any law or precedent, knowing that the recipient of their ruling is the largest water company in the United States represented by an assemblyman who, a month later, was selected to represent the six New Jersey legislators accused of being too friendly with the Mafia.

Because of the facts stated above and in our petition for certiorari and the many irregularities surrounding this case, I pray that this court will grant us a hearing.

Respectfully,

J. C. GOULD,
Attorney, Pro Se.

Dated, October 29, 1969.

[APPENDIX FOLLOWS]

APPENDIX A

Letter from Martin Simon, Esq, to Sidney P. McCord, Jr. Esq. dated October 8, 1964

MARTIN SIMON
COUNSELLOR AT LAW
60 PARK PLACE
NEWARK 2, NEW JERSEY
MARKET 4-6767

October 8, 1964.

SIDNEY P. McCORD, JR., ESQ.
227 King's Highway East
Haddonfield, N. J.

Re: *Gould v. American Water Works Service, Inc., et al.*

Dear Sir:

I have received formal notification from Mr. and Mrs. Gould, plaintiffs in the above matter, that they are definitely unwilling to go through with the settlement made at the time we were in Court on September 29, 1964.

I am accordingly so advising you.

If any further steps are to be taken by them, I have advised them that they will have to seek and obtain other counsel to go further in the matter.

Yours very truly,

MARTIN SIMON
Martin Simon

MS:H
cc: Mr. and Mrs. J. C. Gould
Hon. Berkeley J. Leahy

APPENDIX B

Letter from Stryker, Tams & Dill, Esqs. to Jasper C. Gould, dated July 10, 1968

[LETTERHEAD OF STRYKER, TAMS & DILL]

July 10, 1968

MR. JASPER C. GOULD
Box 636
Bernardsville, New Jersey

Jasper C. Gould, et al. v. *American Water Works Service, et al.*
STD 14438

Dear Jack:

I am enclosing herewith a copy of a letter to John Gildea withdrawing the application for an extension of time. In addition, in view of the pro se application, we feel we can no longer continue to represent you in this matter.

With all best wishes for good results in this case, I am

Sincerely yours,

BURT

BWH:pem
Enclosure

APPENDIX C

Letter from John H. Gildea to Jasper C. Gould, dated October 16, 1968

OFFICE OF THE CLERK
SUPREME COURT OF NEW JERSEY
STATE HOUSE ANNEX
TRENTON, N. J.

JOHN H. GILDEA
CLERK

October 16, 1968

MR. JASPER C. GOULD
P. O. Box 636
Bernardsville, N. J. 07924

Dear Mr. Gould:

A few days ago I received a telephone call from an attorney inquiring about the status of your last petition for reconsideration. He asked leave to file something in support of your petition and I told him I would convey his request to the Court and advise him.

The Court has granted that permission, but, unfortunately, I have lost the notation of the attorney's name and address. Will you please have him get in touch with me about the matter.

Yours very truly,

JOHN H. GILDEA

APPENDIX D

Letter from John H. Gildea to Jasper C. Gould, dated April 14, 1969

OFFICE OF THE CLERK
SUPREME COURT OF NEW JERSEY
STATE HOUSE ANNEX
TRENTON, N. J.

JOHN H. GILDEA
CLERK

April 14, 1969

MR. JASPER C. GOULD
P. O. Box 636
Bernardsville, N. J.

Dear Mr. Gould:

In response to your inquiry, I have examined the appendix that was used on your appeal, Jasper C. Gould et al. v. American Water Works Service Co. and find that pages 246 to 276, inclusive, of the transcript were not reproduced in the appendix.

Page 256A of the appendix consisted of page 245 of the transcript and page 257A of the appendix commenced with page 277 of the transcript.

Yours very truly,

JOHN H. GILDEA

JHG:JU

APPENDIX E

Letter from John H. Gildea to Herman A. Lingerman, Esq., dated November 22, 1968

OFFICE OF THE CLERK
SUPREME COURT OF NEW JERSEY
STATE HOUSE ANNEX
TRENTON, N. J.

JOHN H. GILDEA
CLERK

November 22, 1968

HERMAN A. LINGERMAN, ESQ.
68 Main Stret
Madison, N. J.

Re: *Gould v. American Water Works*

Dear Mr. Lingerman:

I find that the tape of the recording machine on which the argument in this case was recorded was demagnetized after all the cases argued on that day, May 6, 1968, had been decided. Therefore, it is impossible to provide you with a transcript of the argument.

Yours very truly,

JOHN H. GILDEA

JHG:JU